



# STATE EMPLOYEES' APPEALS COMMISSION

*Mitchell E. Daniels, Jr., Governor*

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## SEAC ELECTRONIC MEANS PARTICIPATION POLICY

*Posted on the public SEAC webpage and copies available from main office*

The following policy ("Policy") regarding electronic participation in State Employees' Appeals Commission ("SEAC" or "Commission") meetings was approved, as set forth herein, at SEAC's public meeting held on August 21, 2012, by due consideration and unanimous 3-0 vote of the Commission.<sup>1</sup>

### I. Recitals: Policy Considerations

This Policy is promulgated, and shall be interpreted to:

- A. Balance ease of SEAC Commissioner access and participation with orderly proceedings, including best practices for oral argument proceedings;
- B. Follow P.L. 134-2012, as amended and be interpreted in a manner consistent with that law;
- C. Aid in recruitment of Commissioners on a statewide basis whose ability to participate electronically in some meetings would further broader recruitment efforts and statewide representation on SEAC; and
- D. Encourage Commissioners to physically attend meetings whenever reasonably possible, especially when oral arguments are scheduled.<sup>2</sup>

### II. Policy Provisions

Based on the foregoing Recitals, the following Policy is hereby adopted by SEAC:

1. At least two (2) Commissioners must be physically present at the designated meeting site. In case of difficulty of scheduling or multiple Commissioners requesting electronic participation, the SEAC Chairperson shall determine the rotation of who may attend electronically.

<sup>1</sup> Statutory Background. P.L. 134-2012 (HEA No. 1003-2012) affected the Open Door Law ("ODL") and the Access to Public Records Act ("APRA"). A notable change would allow a State agency (such as SEAC) to allow its Commissioners to attend meetings via electronic means on or after January 1, 2013. In order to permit participation in such a fashion, SEAC has adopted this Policy. SEAC is authorized to develop such a policy through Ind. Code §§ 5-14-1.5-3, 5-14-1.5-3.6.

<sup>2</sup> Physical attendance at SEAC meetings is also important to maintain the minimum two members at the designated meeting site. This should not be confused with SEAC's quorum requirement of a minimum of three members participating.

2. A Commissioner participating via electronic means may do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.
3. Where at least one (1) Commissioner is participating via electronic means at a Commission meeting, all votes must be taken by roll call.
4. Each Commissioner must physically attend at least one (1) Commission meeting each calendar year. This meeting shall be in the first quarter of the calendar year or at the earliest meeting practicable for the member (for instance, if the member is appointed during the year).
5. A Commissioner appropriately participating via electronic means is considered present at the meeting, is counted for quorum purposes, and may vote at the meeting on all matters. A Commissioner participating via electronic means may cast the deciding vote on any matter properly before the Commission, and shall, and is encouraged to, fully participate in the meeting. This Policy is not intended to reduce robust debate of Commission matters.
6. A Commissioner participating in a meeting via electronic means is not required to do so in a setting that is open to the public.
7. A Commissioner attending via electronic means shall notify the Chairperson and Chief ALJ thereof reasonably in advance of the meeting. A Commissioner is not required to obtain prior Commission authorization to participate electronically under this Policy, unless the Chairperson objects or must require physical participation under Section 1 of this Policy.
8. The Chairperson is delegated to supervise and coordinate electronic participation with the assistance of the assigned Chief ALJ and Deputy Attorney General for the Commission.
9. Commissioners are encouraged, but not required, to attend, in person, all SEAC meetings reasonably possible, especially where oral arguments are scheduled. This Policy endeavors to balance convenience and greater SEAC membership participation, with operational efficiency and quality.
10. This Policy shall sunset and terminate on December 31, 2014, unless earlier renewed by the Commission. The Commission intends to, and may, review this Policy annually or more frequently.

  
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Joseph R. Heeren  
Chair, State Employees' Appeals Commission  
On Behalf of the Commission